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09/682,333	08/21/2001	David Goldberg	105864	6794

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EXAMINER

LAO, LUN YI

ART UNIT	PAPER NUMBER
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DATE MAILED: 07/21/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Art Unit: 2673



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 19

Application Number: 09/682,333

Filing Date: August 21, 2001

Appellant(s): David Goldberg et al

Klifton L. Kime
For Appellant

MAILED
JUL 21 2004
Technology Center 2600

EXAMINER'S ANSWER

This is in response to the appeal brief filed on May 17, 2004.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

Appellant's brief includes a statement that claims 1-11 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

5,845,265	Woolston	12/1998
6,137,480	Shintani	10/2000
6,257,984	Gershon	07/2001

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

- I. Claims 1-3 and 5-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Shintani(6,137,480).

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As to claims 1-3 and 5-7, Shintani teaches a method for transferring information comprising storing information about the user in a physically manipulatable reified device(3); providing a manipulatable user interface between a responsive device(computer and display(4)) and physically manipulatable reified device(3); wherein relatively placing the object(2) and the physically manipulatable reified device(3) and/or physically manipulating the object(2) communicates at least some of stored information about the user(authorization user) to the responsive device(see figures 1-3; column 2, lines 24-68 and column 3, lines 1-48).

As to claims 2 and 6, Shintani teaches the stored information having the level of authority of user(see figure 2; column 2, lines 40-44 and column 3, lines 4-48).

II. Claims 4 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shintani in view of Woolston(5,845,265).

Shintani fail to disclose the storing information having an asset of a user with a credit card number.

Woolston teaches the identification number could be a credit card number(an asset of a user)(see figure 2 and column 9, lines 10-14). It would have been obvious to have modified Shintani with the teaching of Woolston, Since using a credit card number as an ID number is more secure and a user does not need to memorize it since the other users would not easy to find out and people would always carry with it.

III. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shintani(6,137,480) in view of Gershon(6,257,984).

Shintai fails to disclose an object is a hat.

Gershon teach a card(23, 34) can mounted on a hat(24)(see figures 1-3; column 1, lines 58-67 and column 2, lines 1-17). It would have been obvious to have modified Shintani with the teaching of Gershon, since mounting a card on a user's hat is an alternative to mounting a card on a user's hat, mounting a card on a user's hat is more comfortable than hanging a card on a user's neck and it can avoid loss and damage the card(see column 1, lines 31-35).

(11) Response to Argument

Appellants argue that Shintani fails to disclose the step of storing information about the user in a physically manipulatable device on pages 8-9 and 11-12. The examiner disagrees with that since the information about the user(personal identification information) stored in a memory(FeRAM 13) need to transmit to a physically manipulatable device(keyboard 3) , the information temporally stored in the physically manipulatable device(keyboard 3)(receiving the ID information transmitted from the memory(13)) and re-transmitted to the responsive device(computer terminal 1)(see figures 1-3; column 2, lines 32-39 and lines 59-67; and column 3, lines 1-10).

On the other hand, if the ID information is not temporality stored in the physically manipulatable device(keyboard 3), the physically manipulatable device(keyboard 3) will not receive the ID information transmitted from the object(2) and the ID information will be directly transmitted from the object(2) to the response device(computer terminal 1). However, that is **not** in the Shintani's case. Therefore, Shintani teaches the step of storing information about the user(ID) in a physically manipulatable device(3).

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Appellants do not disclose a keyboard(3) having memory for storing information on page 9. However, such limitation of "memory for storing information in a physically manipulatable device" can not be found anywhere in claims 1-11.

Appellants argue that Shintani's keyboard(3) is not a reified device on page 10-11. The examiner disagrees with that since Shintani's keyboard is treated as a key to log on a computer or an ID input device to a computer(see figures 1-3; column 2, lines 23-68 and column 3, lines 1-10).

Appellants argue that there is no motivation to combine Shintani of Gershon to have an object as a hat on page 13-14. The examiner disagrees with that since Shintani teach an object is a card(2) which can be hung on a user's neck(see figures 1 and column 2, lines 23-31) and Gershon teach a display card(22) can be mounted on a hat(24)(see figures 1-3; column 1, lines 58-67 and column 2, lines 1-17). It would have been obvious to have card(22) mounted on a user's hat instead of hanging in user's neck since it is alternative to mount a card on a user's hat, mounting a card on a user's hat is more comfortable than hanging a card on a user's neck and it can avoid loss and damage the card(see column 1, lines 31-35). Also, changing the shape of the object , it would not effect the function of the object.

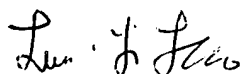
For the above reasons, it is believed that the rejections should be maintained.

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Respectfully submitted,

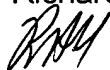
Lun-yi, Lao



July 17, 2004

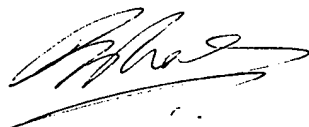
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2600